

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 37.108.507 pertaining to)	AMENDMENT
Components of Quality Assessment)	
Activities)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Interested Persons

1. On March 25, 2006, the Department of Public Health and Human Services proposes to amend the above-stated rule.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. If you need to request an accommodation, contact the department no later than 5:00 p.m. on March 3, 2006, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@mt.gov.

2. The rule as proposed to be amended provides as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.108.507 COMPONENTS OF QUALITY ASSESSMENT ACTIVITIES

(1) Annually, the health carrier shall evaluate its quality assessment activities by using the following HEDIS year ~~2005~~ 2006 measures:

(a) through (3) remain the same.

(4) The department adopts and incorporates by reference the HEDIS year ~~2005~~ 2006 measures for the categories listed in (1)(a) through (e). The HEDIS year ~~2005~~ 2006 measures are developed by the national committee for quality assurance and provide a standardized mechanism for measuring and comparing the quality of services offered by managed care health plans. Copies of HEDIS ~~2005~~ 2006 measures are available from the National Committee for Quality Assurance, 2000 L Street NW, Suite 500, Washington, DC 20036 or on the internet at www.ncqa.org.

AUTH: 33-36-105, MCA

IMP: 33-36-105, 33-36-302, MCA

3. The Managed Care Plan Network Adequacy and Quality Assurance Act (Title 33, Chapter 36, MCA) established standards for health carriers offering managed care plans and for the implementation of quality assurance standards in administrative rules. ARM 37.105.501 et seq. were adopted in 2001 to establish mechanisms for the Department to evaluate quality assurance activities of health

carriers providing managed care plans in Montana.

ARM 37.108.507 requires health carriers to report their quality assessment activities to the Department using health plan employer data and information set (HEDIS) measures. These are nationally-utilized measures that are updated annually. Since the HEDIS standards change somewhat every year, the rule must also be updated annually to reflect the current year's measures and ensure that national comparisons are possible, since the other states will also be using the same updated measures. The changes from the 2005 measures to the proposed 2006 measures are quoted below:

Updated Random Number Table for Measures Using the Hybrid Method

Childhood Immunization Status

- Summary of Changes

Delete: Changed the timing requirements for IPV.

- DtaP/DT

Replace the first sentence with: An initial DtaP vaccination followed by at least three DtaP, DT or individual diphtheria and tetanus shots on or before the child's second birthday.

- Table CIS-1/2

In the Hybrid cells, replace "Each of the 8 rates" with "Each of the 9 rates."

Breast Cancer Screening

- Table BSC-A

Add CPT code 76083.

Comprehensive Diabetes Care

- Administrative Specification: Numerators--*Poor HbA1c control*

Replace the first paragraph with: Using automated laboratory data, identify the *most recent* HbA1c test during the measurement year. The member is numerator compliant if the most recent automated HbA1c level is >9.0% or is missing a result or if an HbA1c test was not done during the measurement year. The member is not numerator compliant if the automated result for the most recent HbA1c test during

the measurement year is $\leq 9.0\%$.

- Table CDC-G

Add CPT code 36819 to the *Evidence of diagnosis of or treatment for nephropathy* category.

- Hybrid Specification: Numerators—*Poor HbA1c control*

Replace the first paragraph with: The *most recent* HbA1c level (performed during the measurement year) is $>9.0\%$ or is missing or was not done during the measurement year, as identified by automated laboratory data or medical record review. The member is not numerator compliant if the result for the most recent HbA1c test during the measurement year is $\leq 9.0\%$.

- Hybrid Specification: LDL-C Level—*Medical record*

In the Friedewald equation, replace [lipoprotein] with [lipoprotein(a)].”

The option of not updating the HEDIS measure was considered and rejected because these are national quality measures which allow comparison among health plans. If the measures are not kept current, this function is lost.

4. These rule changes will be applied retroactively to January 1, 2006. The rule changes are being applied retroactively because the HEDIS measures and the health carriers measure on a January through December calendar year. In addition, the 2006 HEDIS measures are already being used by the health carriers impacted by these amendments. As a result, there is no negative impact by these changes being applied retroactively to this date.

5. Interested persons may submit their data, views or arguments concerning the proposed action in writing to Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210, no later than 5:00 p.m. on March 23, 2006. Data, views or arguments may also be submitted by facsimile (406)444-1970 or by electronic mail via the Internet to dphhslegal@mt.gov. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

/s/ Dawn Sliva
Rule Reviewer

/s/ Russ Cater for
Director, Public Health and
Human Services

Certified to the Secretary of State February 13, 2006.